



**STATE ELECTION COMMISSION, HARYANA
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NO. SEC/4E-II/2022/6227

Dated: 23rd November, 2022

NOTIFICATION

Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/4332, dated 28.10.2022 had announced schedule for conduct of general elections for the posts of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in four districts, namely, Faridabad, Fatehabad, Hisar and Palwal which also included the post of Panch, Ward No.6, Gram Panchayat- Likhi, Block - Hassanpur, District Palwal. According to the notification dated 28.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned Deputy Commissioners on 29.10.2022. Nominations were presented between 05.11.2022 to 11.11.2022, scrutiny of nominations was done by the Returning Officers concerned on 12.11.2022 and withdrawal of candidature was on 14.11.2022. Election symbols were allotted to the contesting candidates on the same day after preparation of final list of candidates who remained in fray. Polling for election of members, Zila Parishad and Panchayat Samitis in these four districts has been held on 22.11.2022 and polling for election for the posts of Sarpanches and Panches in these four districts is scheduled to be held on 25.11.2022.

2. Whereas, the Deputy Commissioner, Palwal vide his memo No.8589/P, dated 23.11.2022 has informed that three candidates had filed their nominations (including the petitioner in CWP No 26571 of 2022, 'Sunita versus State of Haryana and others') for the post of Panch, Ward No.6, Gram Panchayat Panchayat, Likhi, out of which nomination of the petitioner was rejected and another candidate had withdrawn her candidature. Thus the only candidate, namely, Smt. Rambhuteri w/o Sh. Bheem whose nomination was accepted was declared elected unopposed as Panch from Ward No.6, Gram Panchayat, Likhi, district Palwal and election certificate has also been issued to her on the last date of withdrawal of candidature. The Deputy Commissioner-cum-District Election Officer (Panchayat), Palwal has further informed that nomination of Smt. Sunita w/o Sh. Pradeep, resident of Gram Panchayat, Likhi, district Palwal was rejected by the concerned Returning Officer on the date of scrutiny of nominations i.e. on 12.11.2022 as she had not attached the requisite educational qualification certificate (8th class pass) with her nomination form.

3. The Deputy Commissioner, Palwal has further informed that Smt. Sunita w/o Sh.Pradeep, candidate for the post of Panch, Ward No.6, Gram Panchayat, Likhi, district Palwal whose nomination was rejected has filed a CWP No.26571 of 2022, 'Sunita versus State of Haryana and others' in the Hon'ble Punjab and Haryana High Court at Chandigarh. The Hon'ble High Court vide its order dated 22.11.2022 in the above said writ petition has directed the Returning Officer to accept nomination of the petitioner.

4. The Deputy Commissioner-cum- District Election Officer (Panchayat) has further requested the State Election Commission, Haryana to advise as what action is to be taken by his office in the matter in view of the above referred directions of the Hon'ble High Court which are reproduced below:-

"In compliance of order dated 21.11.2022, the petitioner appeared before the Additional Deputy Commissioner, Palwal.

Counsel for the State has placed on record letter dated 21.11.2022, whereby it has been observed that as per Rule 30 of the Haryana Panchayati Raj Election Rules, 1994, Returning Officer has to scrutinize the nomination forms and the nomination form has rightly been rejected by the Returning Officer.

There is no explanation given as to why as per Rule 30(4) of the Haryana Panchayati Raj Election Rules, 1994, the Returning Officer did not give opportunity of one day to the petitioner to submit her middle class certificate, since it was the duty of the Returning Officer to go through the Rules of Haryana Panchayati Raj Election Rules, 1994 which has not been done.

In view of the above, direction is being given to accept the nomination form of the petitioner after accepting her middle class certificate (Annexure P-10) to day itself.

Adjourned to 15.12.2022.

A copy of this order be given to counsel for the petitioner under the signature of Bench Secretary of this Court."

5. Whereas clause (vi) of sub rule (2) of rule 24 of the Haryana Panchayati Raj Election Rules, 1994 provides as under:

"24. Fixation of various stages of elections (2) The District Election Officer (Panchayat) shall by notice in Form 2 or 3, which shall be published at least five clear days before the first day fixed for making nominations, shall specify the date or dates, on, by or within which,

(vi) the poll shall be held;

Provided that the date of poll shall not be earlier than the seventh day after the last date fixed for the withdrawal of the candidatures."

6. Whereas election symbols have already been allotted to the contesting candidates on the date of withdrawal of the candidatures and after finalization of list of those candidates who have remained in fray on 14.11.2022 where polling is to be held on 25.11.2022 in furtherance of notification dated 28.10.2022 issued by the State Election Commission, Haryana as referred to above. However, in the present case since there was no occasion/necessity to allot election symbols to the contesting candidates because the only candidate from Ward No.6 of Gram Panchayat Likhi, district whose nomination had been found valid was declared as elected unopposed. Nomination of the petitioner, Smt.Sunita had been rejected by the Returning Officer concerned on 12.11.2022

during scrutiny as she had not been able to submit her requisite educational qualification certificate (8th pass) in support of her nomination.

7. Now, if in compliance of the order dated 22.11.2022 in CWP No.26571 of 2022, 'Sunita versus State of Haryana and others' passed by the Hon'ble High Court, her nomination is accepted at this stage then the whole process for election for the post of Panch from Ward No. 6 in Gram Panchayat Likhi, Block Hassanpur, district Palwal will have to be revised. As a result of election for this post declaring Smt.Rambhuteri as elected unopposed will have to be cancelled and she will also have to be given time for canvassing etc. Time will also be required to be given to the petitioner, Smt.Sunita w/o Sh.Pradeep to get election symbol allotted and do canvassing for her election. The Deputy Commissioner-cum-District Election Officer (Panchayat) Palwal will have to issue revised notice for the election process for Ward No.6 in Gram Panchayat Likhi, accordingly. Election for the post of Panch is being held through ballot papers which have to be got printed from a security press. Ballot papers for all the post of Panches in these four districts have been got printed from M/s Capital Business System Limited, New Delhi after completion of scrutiny, withdrawal, finalization of list and allotment of election symbols. Ballot papers for the post of Panch of Ward No. 6 of Gram Panchayat Likhi were not got printed in view of the above explained facts and circumstances of the case.

8. In view of the above facts and circumstances of the case, I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers enabling me under clause 1 of article 243K of the Constitution of India, sub-section (1) of section 161 and sub-section (2) of section 211 of the Haryana Panchayati Raj Act, 1994, rule 24 of the Haryana Panchayati Raj Election Rules, 1994 and all other powers enabling me in this behalf and in compliance with the directions of the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No.26571 of 2022 orders dated 22.11.2022 hereby order :

- i) to issue notice to Smt.Rambhuteri who has been declared as unopposed for the post of Panch of Ward No.6, Gram Panchayat Likhi, Block Hassanpur, district Palwal as why her election result may not be cancelled and re-election held in terms of the directions dated 22.11.2022 of the Hon'ble High Court in CWP No.26571 of 2022.
- ii) keep poll for the post of Panch of Ward No.6, Gram Panchayat Likhi, Block Hassanpur, district Palwal which is scheduled to be held on 25.11.2022 in abeyance for the time being. Revised schedule will be issued in due course, if required.

DHANPAT SINGH
State Election Commissioner, Haryana

Endst.No.SEC/4E-II/2022/6228-6233

Dated: 23rd November, 2022

A copy is forwarded to:-

1. The Chief Secretary to Govt. of Haryana, Chandigarh.
2. The Principal Secretary to Govt. of Haryana, Development & Panchayat Department, Chandigarh.
3. The Director, Development & Panchayats Department, Haryana, Chandigarh.
4. The Deputy Commissioner-cum-District Election Officer (Panchayat), Palwal. A copy of the same may be provided to all the concerned candidates.
5. The District Development & Panchayat Officer, Palwal.
6. A copy is forwarded to the Controller, Printing and Stationery, Haryana, Chandigarh for publication in the Haryana Gazette.


Assistant State Election Commissioner,
For State Election Commissioner, Haryana,
Panchkula


23/11/22